IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**WRIT PETITION (LODGING) NO. 659 OF 2007**

Gordhandas S. Garodia and another ..

Petitioners

Versus

The Dy. Salt Commissioner and others ...
Respondents

Mr. S. Shetye, instructed by M/s. Shaunak Satpute & Co., for the petitioners.
Mr. S.R. Rajguru with Mrs. R. Ambekar for respondent No.1.
Mr. P.G. Lad, Assistant Government Pleader, for respondent Nos. 2 and 3.

**CORAM**: **J.N. PATEL, Ag. C.J.,** & **S.C. DHARMADHIKARI, J.**
**DATE:** **MARCH 26, 2007**.

**P.C.**

Heard the learned counsel for the parties.

2. This petition can be disposed of at the stage of admission. The short question with which the petitioners had approached this Court is that the Additional Commissioner, Konkan Division, who is seized of the appeal preferred by the petitioners, though has restored the appeal after it came to be dismissed in default on 24th January, 2007, did not grant stay which was existing when the appeal was pending. The interim order which came to be passed on 14th March,

2007 by the Additional Commissioner, Konkan Division, Mumbai, was "*status quo* be maintained till next date of hearing i.e. 20-3-2007 and the next date of hearing was fixed on 20-3-2007 at 11.00 a.m. At Old Secretariate Bldg., first floor, Fort, Mumbai-400 032".

3. We are informed that the next date of hearing is fixed on 7th June, 2007. We expect that the parties would not seek any adjournment and co-operate with the Additional Commissioner, Konkan Division, in disposing of the appeal on the adjourned date. In case the Additional Commissioner, Konkan Division, for reasons beyond his control, is not able to take up the appeal for hearing on the said date and dispose it of, the petitioners would be at liberty to seek interim relief in the matter. In case the petitioners fail to appear in the matter or proceed with the appeal on the date so fixed, the Additional Commissioner, Konkan Division, Mumbai, shall proceed to hear the parties who are present and dispose of it of in accordance with law. In the meantime, the learned counsel for the respondents submit that they are not disturbing the *status quo* as it existed on the date of preferring the appeal. The petition stands disposed of accordingly.

**ACTING CHIEF JUSTICE**

**S.C. DHARMADHIKARI, J.**